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E Suspect Michael Desantis' criminal history report

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J One (1) compact disc containing the audio recordings of Dispatch 7 and A-Tac frequencies

K A copy of Vehicle Report #021-01311-1751-051

L Satellite photograph of the housing development

M Two (2) Scientific Services Bureau Laboratory Examination Reports, dated October 21, 2021

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Deputy Vargas' POST training records

Administrative Rights Force/Shooting Investigation form

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 04/22/2021	Bureau/Station/Facility: South Patrol Division/Lomita Station	Admin. Invest.? [ ]	Hit? [ ]

Incident Information

URN: 021-01311-1751-055	Date: 04/22/2021	Time: 1511 Hours

City or Station: Lomita

Location: [redacted] South Western Avenue

Nature of Incident: Deputy Vargas attempted to detain two suspects who shot at an inhabited dwelling. The suspect purposely crashed into the patrol car and toward the deputy. A shooting occurred.

Location Type (*check one or more*):
- [ ] Backyard
- [ ] Beach
- [ ] Business
- [ ] Freeway
- [ ] Industrial
- [ ] Park
- [x] Parking Lot
- [ ] Residence
- [ ] Rural
- [ ] School
- [ ] Street
- Other:

Lighting (*check only one*):
- [ ] Darkness
- [x] Daylight
- [ ] Other
- [ ] Street Lights

Weather (*circle only one*):
- [ ] Clear
- [x] Cloudy
- [ ] Fog
- [ ] Rain

Distance: Approx. 3-5 feet

Total # of Shots Fired by Deputy: 9

Total # of Shots Fired by Suspect: 0

Incident Type (*check one or more*):
- [ ] Accidental
- [x] Armed Person
- [x] Fleeing Suspect
- [ ] Foot Pursuit
- [ ] Gun Take Away
- [x] Moving Vehicle
- [ ] Sniper/Ambush
- [ ] Startle
- [ ] Struggle Involved
- [ ] Traffic Stop
- [ ] Unarmed Person
- [ ] Unintentional
- [x] Vehicle Pursuit
- [ ] Warrant Service
- [ ] Warning Shot
- Other:

Initiated by (*check only one*):
- [ ] Arrest Warrant
- [ ] Call
- [x] Observation
- [ ] One Person Unit
- [ ] Other
- [ ] Search Warrant
- [ ] Two Person Unit

Prior Activity (*check only one*):
- [ ] Detective
- [ ] Inmate Transport
- [x] Other
- [ ] Routine Patrol

Aero Unit? [x] Canine Unit? [ ]

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
None				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	NMI	[redacted]	[redacted]	[redacted]	None	[redacted]
[redacted]	[redacted]	NMI	[redacted]	[redacted]	[redacted]	Unknown	Unknown
[redacted]	[redacted]	NMI	[redacted]	[redacted]	[redacted]	Unknown	Unknown

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Cervantes	Paul	S.	[x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting
[redacted]	Arreola	Guadalupe	NMI	[x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
	Not filled		

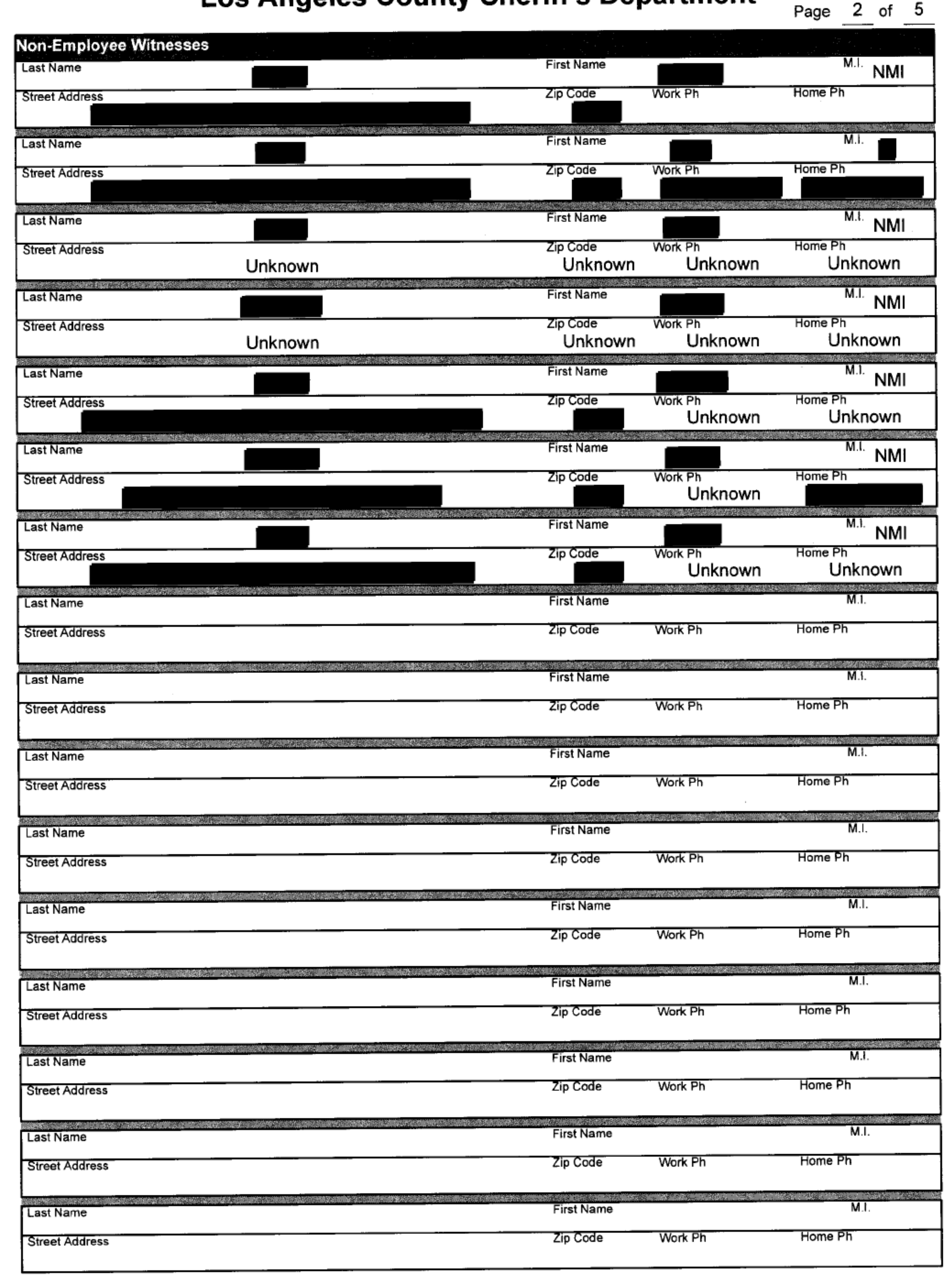
Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Kimura	Doug	L.

PSTD Use Only

SH # ____________

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department



Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	NMI	[redacted]	[redacted]		
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	NMI	Unknown	Unknown	Unknown	Unknown
[redacted]	[redacted]	NMI	Unknown	Unknown	Unknown	Unknown
[redacted]	[redacted]	NMI	[redacted]	[redacted]	Unknown	Unknown
[redacted]	[redacted]	NMI	[redacted]	[redacted]	Unknown	[redacted]
[redacted]	[redacted]	NMI	[redacted]	[redacted]	Unknown	Unknown

Officer Involved Shooting
Involved Employee Information

URN: 021-01311-1751-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Vargas	First Name: Orlando	M.I.: NMI
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: Lomita Station	Work Assignment (Unit #, Module, etc.): Unit 171A
ShiftTime (*circle only one*): [redacted] EM [redacted] PM [redacted] Day	ShiftType (*circle only one*): [redacted] Regular [redacted] Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used: None
Hospital Admission? ☐	Hospital Name: N/A	Coroner Case? ☐	Coroner Case #: N/A — Interviewed? ☑
Hrs of sleep prior to shooting: 5-6 hours	Duty Time (hrs): 1400	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☑ Uniform w/ Vest	Other Factors:
Age: 38 Height: 5-11	Weight: 235		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date:	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: Lomita	Prior Shootings? ☐ Number of Prior Shootings: 0 Directed Force: ☐
Weapons Fired Brand: Smith & Wesson	Caliber: 9 # Shots: 9	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: NMI
Field Training Officer Emp # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: R.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: N/A — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E /

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 021-01311-1751-055

Suspect Information

S 1

Last Name: [redacted]	First Name: [redacted]	M.I. NMI
AKA Last Name: [redacted]	First Name: [redacted]	M.I. J.

Sex: M Race: Black	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: Unknown	Home Phone: Unknown	Social Security #: Unknown	Driver's License #: X2038885
Age: [redacted] D.O.B. [redacted]	Height: 6-04 Weight: 165	FBI #: [redacted]	CII #: [redacted]
Booking #: [redacted]	Primary Charge: 245(C) PC	Secondary Charge: 2800.2(A) CVC	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☑	Apprehended? ☑	Mental Illness? ☐	Criminal History? ☑

Vehicle Make	Model	Year	Parole	Probation	Prior Felony Conviction
Lexus	ES300	2003	No	Yes	No

S 2

Last Name: Desantis	First Name: Michael	M.I. V.
AKA Last Name: Desantes	First Name: Michael	M.I. V.

Sex: M Race: White	Street Address: [redacted]	City: Compton	State & Zip Code: CA 90222
Work Phone: None	Home Phone: None	Social Security #: Unknown	Driver's License #: [redacted]
Age: 18 D.O.B. 08/22/2002	Height: 5-11 Weight: 144	FBI #: [redacted]	CII #: [redacted]
Booking #: 6166850	Primary Charge: 246.3 PC	Secondary Charge: 25850(A) PC	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☑	Apprehended? ☑	Mental Illness? ☐	Criminal History? ☑

Vehicle Make	Model	Year	Parole	Probation	Prior Felony Conviction
Lexus	ES300	2003	No	No	No

S

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐

Vehicle Make	Model	Year	Parole	Probation	Prior Felony Conviction

S

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐

Vehicle Make	Model	Year	Parole	Probation	Prior Felony Conviction

Officer Involved Shooting

JRN: 021-01311-1751-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04/22/2021	1641 Hours		

Employee	Last Name	First Name	M.I.
[redacted]	Valle	Paul	S.
[redacted]	Rodriguez	Sara	E.
[redacted]	Smitson	Eric	C.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	OV					NN	
E1	S1	FH	SW	9	Y	Y	NN	

INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**On-Duty Deputy Involved Non-Hit Shooting**
IAB FILE NUMBER:	**SH2530343**
URN#:	**021-01311-1751-051**
DATE/TIME:	**April 22, 2021 / 1511 hours**
LOCATION:	[redacted]

SYNOPSIS

On April 22, 2021, an Internal Affairs Bureau (IAB) Shooting Response Team comprised of Lieutenant Eric Smitson, Sergeant Paul Valle, and Sergeant Sara Rodriguez responded to [redacted] South Western Avenue, Lomita regarding a non-hit deputy involved shooting.

> IAB Note: **The location of the shooting occurred within the parking lot of the Harbor Hills Public Housing Development, operated by the Housing Authority of the County of Los Angeles. The development is comprised of 301 units of family and senior housing.**

Lieutenant Smitson verified Lomita Station Watch Commander, Lieutenant Douglas Kimura, [redacted] took reasonable steps to ensure the involved personnel did not discuss the incident with uninvolved persons prior to being interviewed by the assigned investigators. Lieutenant Smitson also ensured Lieutenant Kimura knew the involved personnel should not collectively consult with their representatives. Additionally, Lieutenant Smitson confirmed Lieutenant Kimura ensured the involved deputy remained in the company of a supervisor until he provided a statement to the assigned investigators.

Upon the arrival of IAB investigators, they learned there was an active command post and containment of the scene. IAB investigators learned of the series of events which culminated into a shooting involving Deputy Orlando Vargas. Suspect Michael Desantis, (Suspect Desantis) and Subject [redacted] (hereafter referred to as Subject [redacted] were not struck by gunfire.

Lomita Station Detective Marcello Curko, [redacted] arrived and assumed control of the investigation. Information related to his investigation was documented under Uniform Report Number (URN) 021-01311-1751-051. IAB investigators received a copy of the Incident Report and copies of all supplemental reports authored by Detective Curko and assisting deputies, **[Exhibit A]**.

IAB Note: **All body worn cameras were collected and their videos and photos were uploaded into the Evidence.com server. Detective Curko was provided five (5) video recordings from a closed circuit television system (CCTV) taken from the housing development. All of these videos and photos were copied onto a flash drive and included in this case [Exhibit B].**

SUMMARY

On April 22, 2021, Deputy Vargas was assigned to Lomita Station Unit 171A, during the PM shift [redacted] hours). At 1405 hours, he was dispatched to an elder abuse report call at [redacted] This call was in [redacted] incident number [redacted] **[Exhibit C]**. At approximately 1503 hours, he arrived at the housing development and backed his patrol vehicle into a parking stall near the eastern driveway, adjacent to [redacted]

Deputy Vargas exited his vehicle, and walked a short distance to apartment [redacted]. He knocked on the front door, but there was no answer. He walked back to his vehicle, sat inside, and prepared to drive away.

Unbeknownst to Deputy Vargas, a few minutes prior to his arrival at the location, Subject [redacted] drove a grey Lexus into the housing development parking lot, but drove further into the lot in a northwestern direction, and parked in a parking stall. Suspect Desantis was the passenger. Both males exited the vehicle, walked away from each other, and began to walk around the housing complex. After several minutes, Subject [redacted] returned to the vehicle, and retrieved a handgun from within the vehicle.

Two other males (Witness [redacted] hereafter referred to as Witness [redacted] and [redacted] walked by [redacted] near the same parking lot where Subject [redacted] was standing. At this point, Subject [redacted] shot his handgun several times toward the two males, who ran away southbound through the housing complex, and out of sight.

IAB Note: **Although [redacted] was identified as a victim, he refused to cooperate with any deputies and/or Detective Curko.**

Simultaneously Deputy Vargas, who was still seated in his vehicle, began to drive forward out of the parking stall. Once he drove forward several feet out of the parking stall, he heard the gunfire coming from the northwestern portion of the parking lot. He looked in that direction, and saw two males (Subject [redacted] and Suspect Desantis) shooting handguns toward an occupied portion of the housing complex.

Deputy Vargas stopped his patrol vehicle in the driveway, and exited. He informed the Sheriff's Communications Center (SCC) dispatcher of the shooting, and requested deputies to respond to his location. As Deputy Vargas stood behind his vehicle for cover, he saw Suspect Desantis and Subject [redacted] enter the grey Lexus. The vehicle was driven in a southeastern direction through the parking lot, toward Deputy Vargas. Before the vehicle reached him, it collided into a parked vehicle, and came to a stop. Deputy Vargas detained Suspect Desantis and Subject [redacted] at gunpoint, and ordered them to place their hands out of the windows. For a moment, the males complied and placed their hands out of the partially opened windows.

Deputy Vargas never approached the vehicle, and remained behind his patrol vehicle for cover. He informed the SCC dispatcher he was detaining the males at gunpoint. The driver, Subject [redacted] placed the vehicle in reverse, then drove forward toward Deputy Vargas and his vehicle. Subject [redacted] accelerated quickly, and collided into the front portion of the patrol vehicle. Deputy Vargas was in fear of his life, at which time a deputy involved shooting occurred.

Subject [redacted] drove out of the parking lot, then south on Western Avenue. Deputy Vargas remained at the scene and did not pursue. He informed the responding units of the shooting, and the direction of travel the vehicle was last seen. Responding units located the vehicle, and pursued it southbound on Western Avenue for a short distance. Subject [redacted] collided into a civilian vehicle at which time he yielded and came to a stop on Western Avenue, north of Greengate Avenue. The length of the pursuit was calculated to be .02 miles, and lasted approximately four (4) seconds. For additional information related to the vehicle pursuit, see the Pursuit Evaluation Form prepared by Sergeant Guadalupe Arreola, [redacted]nd Sergeant Paul Cervantes, [redacted] **[Exhibit D]**.

INVOLVED EMPLOYEE AND WORK HISTORY

Vargas, Orlando Deputy Sheriff, [redacted]
South Patrol Division, Lomita Station

Work History

Date of Employment:	July 25, 2007
Date Assigned to Lomita Station:	May 19, 2019
Date Completed Patrol Training:	[redacted]

Prior Shooting Incident(s): None

Equipment Worn On Person

Deputy Vargas was wearing a long sleeve Class "A" uniform, with a gun belt. His uniform had two Los Angeles County Sheriff's Department patches attached to the shoulders, his metal uniform badge, and his name plate. His gun belt contained a holster with his duty weapon, one magazine pouch containing two ammunition magazines, a can of Oleoresin Capsicum (OC) spray, two sets of handcuffs in cases, a collapsible baton in a holster, and a portable radio within a holder. His Department issued body worn camera was attached to the front of his uniform, over his chest.

SUSPECT INFORMATION

Desantis, Michael V.
Male, Other, DOB: August 22, 2002, 5'11", 144 pounds.
[redacted]
CII # [redacted], MAIN # [redacted], FBI # [redacted]

IAB Note: **A copy of Suspect Desantis' criminal history report was included [Exhibit E].**

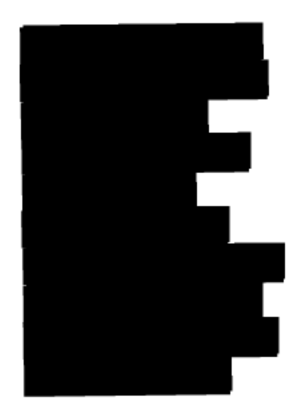
SUBJECT INFORMATION



[redacted]
Male, Black, DOB: [redacted], 6'04", 165 pounds.
[redacted]
CII # [redacted], MAIN # [redacted] FBI # [redacted]

IAB Note: **A copy of Subject [redacted] criminal history report was included [Exhibit F].**

WITNESSES



[redacted]

SUSPECT INJURIES

None

DEPUTY PERSONNEL INJURIES

No deputies were injured.

PHYSICAL EVIDENCE

All physical evidence was located and collected by Los Angeles County Sheriff's Department Scientific Services Bureau personnel. One (1) semiautomatic pistol, a Springfield Armory .45 caliber, was located on the ground, near the driveway gate of [redacted] It was found to contain three (3) live cartridges inside the magazine; however the chamber was empty. One (1) live .45 caliber cartridge was found on the ground approximately three (3) feet away from the pistol.

One (1) additional semiautomatic pistol, a Glock, model 23, .40 caliber, was located in a raised dirt planter along the west sidewalk of [redacted] just north of where the suspect vehicle came to a stop. There were four (4) live cartridges found inside its magazine. For descriptions of all the evidence and where it was collected, refer to the Crime Scene Investigation Reports **[Exhibit G]**.

On April 22, 2021, Lomita Station Deputy Patrick Duran [redacted] was directed to utilize a Gunshot Residue (GSR) test kit on both Suspect Desantis and Subject [redacted] ands to potentially capture any gunshot residue left on their hands. After collecting any possible evidence, Deputy Duran booked both kits at Lomita Station to be processed at a later time. Deputy Duran documented his actions in his supplemental report, **[Exhibit A]**.

On September 30, 2021, Scientific Services Bureau Senior Criminalist Robert Crisafulli, [redacted] began the examination of both kits and samples. On October 1, 2021, he reported there was gunshot residue detected in the sample taken from Subject [redacted]. On October 5, 2021, Senior Criminalist Crisafulli reported there was gunshot residue detected in the sample taken from Suspect Desantis, **[Exhibit M]**.

Five (5) sketches of the various scenes were created by Forensic Identification Specialist II Cathy A. Johnson, [redacted] **[Exhibit G, pages 17-21]**. Crime Scene Investigation Reports were authored by Forensic Identification Specialist II Michael A. Bayer, #[redacted] **[Exhibit G, pages 1-7]**.

Members of Scientific Services Bureau photographed the various scenes, and provided IAB investigators with a compact disc of all the photographs **[Exhibit I]**.

DISTANCE

Deputy Vargas was approximately two to five feet away from the suspect vehicle at the time of the shooting.

INVESTIGATOR OBSERVATIONS

The IAB Shooting Response Team responded to the scene at approximately 1730 hours, and arrived at approximately 1825 hours.

Detective Curko conducted a briefing of the incident, and narrated an escorted walk-through of the crime scene. His description of the scene was consistent with the initial IAB investigator's observations.

WEAPON USED BY DEPUTY VARGAS

Deputy Vargas fired nine (9) rounds of 9 millimeter ammunition from his Smith & Wesson, model M&P9 M2.0, semiautomatic duty pistol. The firearm was examined by Scientific Services Bureau Senior Criminalist Tracy Peck, [redacted] which was found to be functional **[Exhibit H]**.

According to Department records, Deputy Vargas qualified, prior to the shooting, with his firearm on March 4, 2021 **[Miscellaneous Documents]**.

WEAPON USED BY SUBJECT KW

The vehicle Subject [redacted] drove toward Deputy Vargas was identified as a 2003 Lexus, model ES300, four door, grey in color, without any license plates. It was determined the vehicle's Vehicle Identification Number (VIN) was [redacted] and its license plate was [redacted] **[Exhibit K]**.

PROPERTY DAMAGE

When Suspect Desantis and Subject [redacted] shot toward Witness [redacted] and [redacted], the shots damaged two vehicles that were parked next to each other at the furthest western portion of the parking lot. The first vehicle was a 2008 Kia Spectra, red in color, with 4 doors, license plate [redacted] The rear window was shattered, and had two large holes, consistent with bullet strikes. The second vehicle was a 2002 Buick Le Sabre, white in color, 4 doors, with a temporary California license paper plate [redacted], VIN [redacted] The vehicle sustained a bullet strike to the roof, near the rear window.

Apartment building [redacted] which was located at the end of the parking lot, toward the northwest portion of the housing development, sustained seven (7) bullet strikes. Two (2) bullets penetrated two windows on one apartment causing holes consistent with bullet strikes. One (1) bullet struck the lens of a flood light attached to the south facing wall causing it to shatter. The remaining bullet strikes were against the exterior south facing brick wall, causing damage.

When Subject [redacted] drove eastbound through the parking lot, he collided into a 2019 Kia Forte, blue in color, 4 doors, license plate [redacted] He collided into both of the passenger side doors. Both doors sustained damage where they were unable to be opened.

> **IAB Note:** **There were no photos taken of the damage to the 2019 Kia. The only reference to the damage was in Deputy Johann Schloegl's supplemental report, [Exhibit A].**

> **IAB Note:** **The following description of damages to the vehicles was based on what was seen at the scene, and in photographs. A more extensive and detailed account would have to be done by a professional mechanic.**

When Subject [redacted] drove toward Deputy Vargas, he collided into the front of the patrol vehicle, a 2011 Ford, Crown Victoria, 4 doors, license plate #1373935, Department vehicle #SD1409. The force of the collision separated the front bumper, the push bar, the front grill, passenger's side headlight, and turn signal from the patrol vehicle.

Subject [redacted] drove southbound on [redacted] and collided into a 2005 Ford Escape, white in color, 4 door SUV, license plate [redacted] Subject [redacted] collided into the rear, driver's side bumper, causing damage to it and the entire driver's side rear turn signal unit. The rear driver's side wheel was broken off of its axel, and pushed backward underneath the rear bumper. A suspension spring had broken off, and was discarded underneath the vehicle.

CRIMINAL INVESTIGATION AND CHARGES FILED

The criminal investigation into the shooting and assault against Deputy Vargas was conducted by Detective Curko. He collected all of the reports and supplemental reports **[Exhibit A]**, and presented the case to the Los Angeles County District Attorney's office for filing considerations.

On April 26, 2021, the following eight criminal counts were filed against Suspect Desantis, Complaint Number #YA103761:

Count	Charge Section	Charge Statute
1	664-187(a) – attempted murder	Penal Code

2	664-187(a) – attempted murder	Penal Code
3	245(c) – assault on a peace officer	Penal Code
4	25850(a) – carrying a loaded firearm in public	Penal Code
5	20002(a) – hit and run traffic collision	Vehicle Code
6	245(a)(3) – assault with an assault weapon	Penal Code
7	245(b) – assault with a semiautomatic weapon	Penal Code
8	246 – discharge a firearm at an inhabited dwelling	Penal Code
9	245 (A)(4)-assault to produce great bodily injury	Penal Code

On October 26, 2021, pursuant to a plea agreement, Suspect Desantis plead guilty to Counts 1, 6, and 9 and received a twelve year state prison term. For detailed account of his court proceedings, see a copy of his minute order **[Exhibit N]**.

On April 27, 2021, the following eight criminal counts were filed against Subject [redacted] Petition Number [redacted]

Count	Charge Section	Charge Statute
1	664-187(a) – attempted murder	Penal Code
2	664-187(a) – attempted murder	Penal Code
3	246 – discharge a firearm at an inhabited dwelling	Penal Code
4	247(b) – discharge a firearm at an uninhabited dwelling	Penal Code
5	247(b) – discharge a firearm at an uninhabited dwelling	Penal Code
6	245(c) – assault on a peace officer	Penal Code
7	20001(b) – hit and run with injuries	Vehicle Code
8	10851(a) – theft of vehicle	Vehicle Code

As of October 28, 2021, Subject [redacted] continued with his court proceedings, where [redacted] For a detailed account of his court proceedings, [redacted] **[Exhibit O]**.

LIGHTING AND WEATHER CONDITIONS

The scene was illuminated by daylight during the early afternoon hour. The weather was clear and mild.

ADDITIONAL INFORMATION

CCTV Video Review

The following is a review of the highlights from the CCTV video recording taken from the housing development **[Exhibit B/CCTV Videos/Lot_300_Camera_1]**. The below listed times are not in real time. The times were taken from the Windows Media Player display counter.

02:08	The suspect vehicle entered the parking lot, and drove westbound through the lot, and out of view.
05:46	Deputy Vargas drove into the parking lot, and backed into a parking stall on the south side of the lot.
08:30	Deputy Vargas exited his patrol vehicle, walked northbound toward an apartment building, and out of view.
11:20	Deputy Vargas walked southbound from the building, back toward his patrol vehicle.
11:48	Deputy Vargas entered his vehicle, and sat in the driver's seat.
12:51	Deputy Vargas drove forward, and stopped in the driveway of the parking lot.
12:57	Deputy Vargas exited his vehicle. He appeared to be communicating on his portable radio while he walked around the rear of the vehicle, and stood on the passenger side.
13:20	Deputy Vargas pointed his handgun in a western direction, while he stood on the passenger side of his vehicle, near the engine.
13:26	The suspect vehicle collided into a parked blue vehicle. Deputy Vargas continued to stand on the passenger side of his vehicle while communicating on his radio.
14:00	The driver's hands from the suspect vehicle were momentarily seen out of the driver's window. Deputy Vargas stood to the rear of his vehicle, and continued to detain the suspect vehicle at gunpoint.
14:25	The driver's hands were momentarily seen out of the driver's window.
14:28	Three pedestrians are seen walking southbound on Western Avenue, along the western sidewalk.

14:37	The suspect vehicle began to drive backward. Deputy Vargas remained standing near the rear of his patrol vehicle.
14:43	The three pedestrians continue walking southbound, and approached the vehicular entrance of the parking lot.
14:45	The suspect vehicle drove forward, and maneuvered between two other stationary vehicles in the parking lot.
14:48	Once the suspect vehicle passed the two vehicles, the driver accelerated forward toward the front of Deputy Vargas' patrol vehicle. Deputy Vargas moved forward and stood near the passenger side rear door of his vehicle.
14:49	The suspect vehicle collided into the front of the patrol vehicle, causing it to jolt toward Deputy Vargas, who had his handgun pointed toward the suspect vehicle. The three pedestrians began to run northbound on Western Avenue, away from the incident.
14:50	As the patrol vehicle jolted toward Deputy Vargas, he placed his left hand outward toward the vehicle, appearing to touch it. He continued to point his handgun toward the suspect vehicle as it passed him.
14:51	The suspect vehicle continued to travel eastbound through the parking lot, toward Western Avenue. Deputy Vargas continued to point his handgun toward the suspect vehicle as it drove eastbound.
14:52	The suspect vehicle drove onto Western Avenue, crossing all southbound lanes, and drove south, out of the scene.
15:00	Deputy Vargas walked toward Western Avenue, and appeared to look southbound while communicating on his radio.
17:05	Deputy Vargas began to speak with civilians within the parking lot.
18:30	A grey colored SUV vehicle entered the parking lot, and parked near the sidewalk. Deputy Vargas began to speak with the driver.
18:46	The first assisting unit arrived, and parked at the entrance to the parking lot.
20:18	The video ended.

Dispatch Frequency Review
The following is a review of some of the highlights from the Dispatch 7 recording, **[Exhibit J/Export_2021-04-22/0001_2021-04-22_03-11-07_SCC DISP]**. The below listed times are not precise. They were calculated from the timestamp (automated voice) at the beginning of the recording. The SCC dispatcher will be referred to as the PRD (Public Response Dispatcher).

15:11:14 Deputy Vargas requested the patch to be activated for emergent radio traffic. The PRD acknowledged and activated the patch.

15:11:19 Deputy Vargas advised that a shooting at an inhabited dwelling had just occurred at the location, and requested assistance to respond.

15:11:33 Lomita Station units began to inform the PRD they were responding, and gave their estimated time of arrival.

15:11:39 Deputy Vargas advised that a grey Lexus just collided into other vehicle, and there were two occupants inside the Lexus.

15:11:52 The PRD asked Deputy Vargas if he was "detaining." He responded and said he was detaining the suspects at gunpoint, and that he was facing westbound.

15:12:05 Deputy Vargas asked one of the responding units to take a position near the 400 Court rear parking lot.

15:12:09 Lomita Unit 173D stated he could take that position.

15:12:14 The PRD asked if a supervisor was responding. Unit 170S acknowledged, and estimated he would arrive to the scene in two minutes.

15:12:20 The PRD asked if an Aero Bureau unit was on the radio frequency. An unknown Aero Bureau unit advised they were responding to the scene.

15:12:40 Deputy Vargas advised there were two occupants inside the Lexus.

15:13:03 Deputy Vargas advised "shots fired." He stated the grey colored Lexus fled southbound on Western Avenue from Palos Verde Drive North.

15:13:21 The PRD asked Deputy Vargas if it was a "998", or if the suspects shot at him. He said, "998", and that the suspects crashed into his patrol vehicle, and all deputies were accounted for.

15:13:58 An unknown unit advised he was following the suspect vehicle traveling southbound on Western Avenue from Palos Verde Drive North.

15:14:08 The unknown unit advised the suspect vehicle collided into a vehicle, and that they were in pursuit. The deputy advised a handgun was thrown from the vehicle.

15:14:43 The PRD asked for the unit who was in pursuit to advise her of their location.

15:14:55 Unit 171 advised they were detaining the suspects at gunpoint, facing southbound on Western Avenue at Avenue Aprenda. He also informed the PRD there were sufficient amount of units at the traffic stop, but requested a supervisor to respond.

15:15:40 The aero unit advised they were two minutes away from the traffic stop.

15:16:05 An unknown unit, advised they had extracted one occupant of the vehicle, but one still remained inside.

15:16:40 Unit 170S advised he was approximately one minute away from the scene.

15:17:33 The aero unit advised he arrived overhead.

15:17:58 Unit 171 advised the second occupant of the vehicle was in custody.

STATEMENTS

The following is a summary of the recorded IAB interview of the involved employee, and the statements of the witnesses whose statements were either recorded on body worn cameras, or on supplemental reports authored by assisting personnel. For additional information, refer to the attached verbatim transcripts and/or audio files.

INVOLVED EMPLOYEE'S STATEMENT

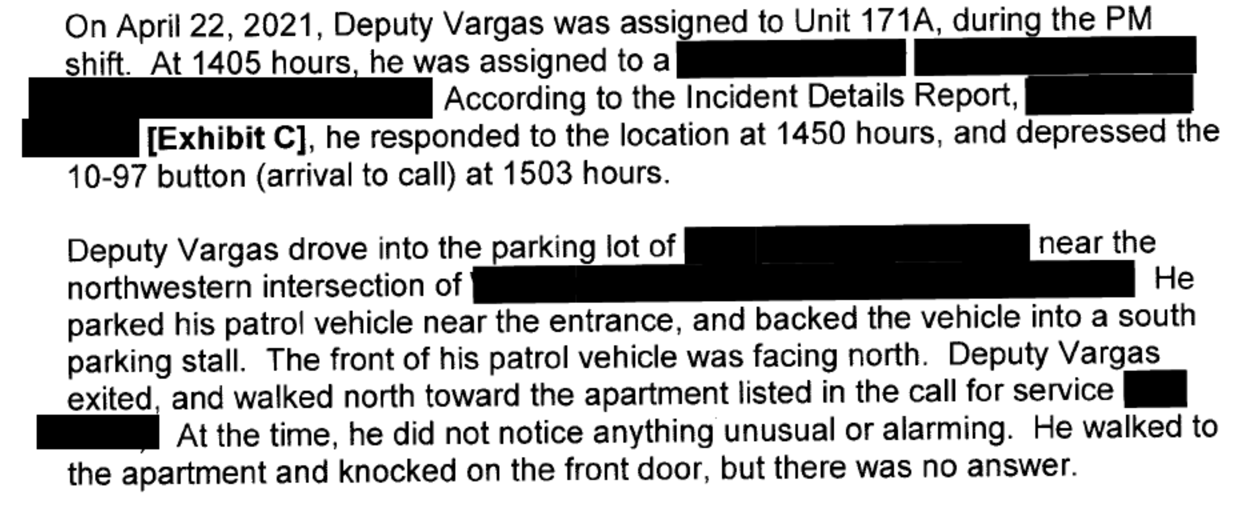
Deputy Orlando Vargas

On April 22, 2021, IAB Sergeants Valle and Rodriguez contacted Deputy Vargas at the Lomita Station in order to conduct an inventory of the ammunition remaining in his handgun and magazines. All of the ammunition counted were 9mm caliber. There was one (1) live cartridge removed from the handgun's chamber, and eight (8) cartridges removed from the magazine, which was removed from the handgun's magazine well. Deputy Vargas had two (2)

additional magazines, kept in magazine pouches, attached to his duty belt. Each of those magazines were filled to capacity, seventeen (17) live cartridges each.

Deputy Vargas kept a backup firearm in the front left pocket of his uniform pants. The firearm was a Smith & Wesson, .38 caliber, compact revolver. It was found to be fully loaded, containing five (5) live cartridges.

On April 29, 2021, Deputy Vargas was interviewed by IAB Sergeants Valle and Rodriguez at the IAB offices. Attorney Maureen Okwuosa represented Deputy Vargas during the interview.



On April 22, 2021, Deputy Vargas was assigned to Unit 171A, during the PM shift. At 1405 hours, he was assigned to a [redacted] According to the Incident Details Report, [redacted] **[Exhibit C]**, he responded to the location at 1450 hours, and depressed the 10-97 button (arrival to call) at 1503 hours.

Deputy Vargas drove into the parking lot of [redacted] near the northwestern intersection of [redacted] He parked his patrol vehicle near the entrance, and backed the vehicle into a south parking stall. The front of his patrol vehicle was facing north. Deputy Vargas exited, and walked north toward the apartment listed in the call for service [redacted] At the time, he did not notice anything unusual or alarming. He walked to the apartment and knocked on the front door, but there was no answer.

Deputy Vargas walked back to his vehicle, and sat in the driver's seat. As he was preparing to leave the housing development, he drove forward out of the parking stall, and heard gunfire coming from northwest of his position. He stopped, and exited his vehicle to locate where the gunfire was coming from. When he looked in the direction where the sound came from, he saw people running in the northwest parking lot. Deputy Vargas saw two male adults, who were standing in the parking lot, shooting handguns toward [redacted] Approximately three or four other civilians were running in different directions from the parking lot.

IAB Note: Deputy Vargas stated he never intended to utilize his patrol vehicle to block the driveway. When he drove forward, he was merely intending to drive out of the parking lot; however, when he heard the gunfire, he stopped his vehicle to investigate source of the gunfire.

Deputy Vargas immediately utilized his portable radio, and requested the duplex patch. Deputy Vargas informed the SCC dispatcher and Lomita Station units of the shooting that was occurring at the location, and the need for units to respond.

Deputy Vargas maintained an observation of the two male shooters (Suspect Desantis and Subject [redacted] and as he was awaiting for assistance to arrive, he saw them enter a grey colored vehicle (2003 Lexus). The vehicle was parked in the northwestern portion of the parking lot in one of the north parking stalls. The suspect vehicle maneuvered, and began to drive eastbound through the parking lot toward him. Deputy Vargas immediately drew his handgun, and took cover by standing on the passenger's side of his vehicle, keeping his patrol vehicle in between himself and the approaching suspect vehicle.

The suspect vehicle came to a stop when it collided into a parked vehicle, which was approximately three to five parking stalls west of his patrol vehicle. The front of the suspect vehicle was now facing toward Deputy Vargas' direction. Deputy Vargas pointed his handgun toward the suspect vehicle, and detained the occupants at gunpoint. He recalled telling the suspects to show him their hands at least one time. His recollection was the front passenger placed his hands out of the partially lowered window. The driver did not show him his hands.

> **IAB Note:** **Deputy Vargas recalled the events differently after he was shown a video [Exhibit B/CCTV Videos/Lot 300_Camera_1] of the incident later in the interview. He corrected himself and said it was the driver who partially placed his hands out of his window and not the passenger.**

At one point, the suspect vehicle drove forward toward Deputy Vargas at a high rate of speed, colliding into the front of his patrol vehicle. Deputy Vargas was in fear for his safety and shot his firearm at the suspect vehicle. He knew the two occupants had earlier shot their firearms toward an apartment building, disregarding the safety of any occupants, and knew they were still armed inside the vehicle. He believed the suspects had the opportunity to surrender when he detained them at gunpoint, but they chose to escape. Deputy Vargas felt there was a sufficient amount of space for the suspect vehicle to drive around the front of his vehicle. Therefore, when the suspect vehicle drove toward him and collided with the front his patrol vehicle, it caused Deputy Vargas to believe the driver was purposely trying to injure him.

When the collision occurred, the patrol vehicle jolted toward him. Deputy Vargas was afraid he would be struck by his own vehicle. Deputy Vargas explained he was also afraid the suspects would exit their vehicle after the collision, and begin to shoot at him. When IAB investigators asked him if he was able to move to a position of safety before he began to fire at the suspect vehicle, he said he could not. The vehicle was traveling at a high rate of speed toward him, and after the collision, he did not want to turn his back toward the suspect vehicle, nor lose sight of them.

IAB investigators asked Deputy Vargas at what point did he begin to shoot his firearm, he said at the time the collision occurred. He estimated he shot approximately six to eight times. His target was the front windshield and along the passenger side of the vehicle. He further articulated his targets where the front windshield and the front passenger window join the A-Frame (The forward-most roof pillar which forms the upright that supports the windshield). He estimated he was approximately two to five feet away from the suspect vehicle when he shot. At the time he began to shoot, his background was an apartment building toward the northwest. As the suspect vehicle drove past Deputy Vargas, he continued to shoot. The background at that point was another apartment building to his north, and trees and a sidewalk toward his northeast. He did not see any pedestrians in his background at any time of the shooting.

Deputy Vargas believed approximately three minutes had passed from when he first heard the suspects shooting in the parking lot to when he shot his firearm. Although he believed two to three seconds had elapsed when he first shot to when he stopped firing, each shot was deliberate and done so in a controlled manner.

When IAB investigators asked Deputy Vargas if he utilized any cover or concealment during the incident, he said he used his patrol vehicle when he was detaining the suspects at gunpoint. When the suspect vehicle drove toward him, he utilized the engine block and the A-Frame of his patrol car for cover. Deputy Vargas was not sure if at the time he fired, he utilized the front, and rear sights of his handgun. He believed he held his handgun in his right hand, and held onto the microphone of his portable radio with his left hand. After he fired, he immediately informed his responding units and the SCC dispatcher he was involved in a shooting, and broadcasted the suspects last seen direction of travel.

IAB investigators asked Deputy Vargas if he considered using other force options before shooting his firearm, he said he did not, and believed his firearm was the only option he had at the time. He chose to remain at the scene after the shooting, and he did not to pursue the suspect vehicle because he already knew responding units were close by. He knew he needed to preserve the scene with all of the evidence left within. He quickly walked around the parking lot and contacted a few civilians walking about, and asked them if they were injured. Additionally, Deputy Vargas was unsure if his patrol vehicle was operable since it sustained major damage to the front end, and saw some type of fluid leaking from the engine.

During the interview, the surveillance camera video **[Exhibit B/CCTV Videos/Lot 300_Camera_1]** and Deputy Vargas' body worn camera video **[Exhibit B/Body Worn Camera Videos/Axon_Body_3_Video_2021_04_22_1515]** were shown to him. After watching the surveillance camera video, Deputy Vargas noticed how his patrol vehicle jolted toward him at the time of the collision. He raised his left hand upward and outward toward his vehicle to brace himself from being hit

by his own vehicle. Deputy Vargas moved forward, toward the front of his patrol vehicle, alongside the passenger side, when the suspect vehicle drove toward him, in order to gain cover and concealment behind the engine block. He also wanted to maintain an observation of the suspect vehicle and not lose sight of it.

During Deputy Vargas' IAB interview, he was shown a satellite photograph of the housing development taken from Google Maps **[Exhibit L]**. This item was used to help him describe portions of his interview, such as the positions of vehicles and suspects during and preceding the shootings.

WITNESS STATEMENTS

The following interview was conducted by Lomita Station Deputy Esther Kim, [redacted] *The following is a summary of the recording from her body worn camera **[Exhibit B]** and her supplemental report **[Exhibit A]**.*

Witness [redacted]

On April 22, 2021, Witness [redacted] participated in a field show up of both Suspect Desantis and Subject [redacted] During that event, Deputy Kim interviewed Witness [redacted] Witness [redacted] and [redacted], were at the housing development near the [redacted]. Witness [redacted]aw a group of males and thought they were his friends. When he and [redacted] walked closer to the group, he realized he did not recognize them. When someone from the group yelled "hey", Witness [redacted] turned to face them, and shrugged his shoulders. Witness [redacted] saw one of the males point an object at him, and then heard a gunshot.

Witness [redacted] and [redacted] ran away from the group. As they ran, Witness [redacted] heard additional gunshots, and saw one bullet strike the hood of [redacted] sweatshirt. As they continued to run, Witness [redacted] saw another male standing in the parking lot, shooting toward them with a handgun. Witness [redacted] and [redacted] ran southbound, and across [redacted] to [redacted]

Witness [redacted] subsequently identified Suspect Desantis as the person who shot first; however, he said he did not clearly see Suspect Desantis' face at the time of the shooting. Additionally, Witness [redacted] identified Subject [redacted] as the second shooter. He recognized him by the clothing he was wearing.

> **IAB Note:** **Deputy Kim's interview of Witness [redacted] was merely the preliminary interview. She gathered enough information for her report, and knew he would be interviewed at a later time by detectives; however, later that afternoon, Witness [redacted] declined to be interviewed for fear of retaliation. See Detective Todd Hoy's report [Exhibit A].**

The following three witnesses were interviewed by Lomita Station Deputy David Amescua, [redacted] Although the interviews were not recorded (audio nor body worn camera), the following summaries were taken from his report ***[Exhibit A].***

Witness [redacted]

On April 22, 2021, Witness [redacted] a [redacted] was inside [redacted] when she heard approximately four to five gunshots or fireworks coming from outside. Once the sounds stopped, she looked outside and saw a male black adult, who was wearing a blue hooded sweatshirt with braids in his hair, get into a blue sedan that was parked in front of her apartment. Approximately one minute later, Witness [redacted] heard another five to six gunshots. When she looked to see where the shots were coming from, she saw the same blue sedan had moved eastward, down the driveway, toward [redacted] Witness [redacted]s frightened, moved away from her window, and did not witness anything more.

Witness [redacted]

On April 22, 2021, Witness [redacted] and was outside of his apartment standing next to his [redacted] in the parking lot. He saw two male black adults, who were wearing all dark clothing, shooting handguns toward the west side of the parking lot. Witness [redacted] realized they were shooting at two other male adults, also wearing dark clothing, who were standing toward the western parking lot.

The two male suspects ran away on foot, and out of sight; however, several minutes later, they ran back into the parking lot, and entered a blue sedan, which was parked in the same western parking lot. He described the sedan as being a Lexus. The suspect vehicle drove out of the parking lot at a high rate of speed, toward [redacted] Before exiting onto the street, the vehicle collided with a parked vehicle, and came to a stop. Witness [redacted]w a patrol vehicle near the exit of the parking lot, east of where the suspect vehicle came to a stop. The suspect driver placed the vehicle in reverse, and began to drive forward toward the patrol vehicle. As the suspect's vehicle accelerated toward the patrol vehicle, Witness [redacted] heard one of the suspects yell out, "Fuck the police!" Witness [redacted] saw the suspect vehicle collided into the patrol vehicle. He did not witness anything further because he was rushed back into his [redacted]

Witness [redacted]

Deputy Amescua interviewed Witness [redacted] immediately after interviewing [redacted]. Earlier that afternoon, she heard several gunshots coming from outside her [redacted] She knew [redacted] was outside and immediately ran outside to locate him. Once

outside, she saw a blue sedan "deliberately and intentionally" drive into a patrol vehicle at a high rate of speed. Witness [redacted] did not provide any additional information.

*The following interview was conducted by Lomita Station Deputy Johann Schloegl, [redacted] Although the interview was not recorded (audio nor body worn camera), the following summary was taken from his report, **[Exhibit A]**.*

Witness [redacted]

On April 22, 2021, Witness [redacted] a resident of the housing development, was inside his [redacted] at the time of the shooting. He heard over six gunshots coming from outside, from a southwest direction. He and [redacted] dropped to the floor to avoid being hit from any bullets that may penetrate his apartment.

Once the gunfire stopped, Witness [redacted] peeked out the south facing window, and looked toward the [redacted] parking lot. He saw a silver vehicle (suspect vehicle) driving eastbound through the parking lot, and estimated the speed to be over 30 mph. The suspect vehicle collided into a parked blue vehicle. Witness [redacted] realized a patrol vehicle was near the exit of the parking lot, facing north. A deputy was standing just east of his patrol vehicle, also facing north. After colliding into the parked blue vehicle, the suspect vehicle drove forward and collided into the patrol vehicle. Witness [redacted] saw the deputy shoot his firearm toward the suspect vehicle approximately six times. The suspect vehicle never slowed down, and exited onto [redacted] out of sight.

Witness [redacted] stated the entire incident occurred so quickly, he was unable to see any of the suspects, nor if they were shooting toward the deputy at the time of the collision with the patrol vehicle. Witness [redacted] believed the deputy was completely justified to shoot at the suspect vehicle.

*The following four witness interviews were conducted by Detective Curko, which were recorded on his body worn camera. The following is a summary of his interviews taken from the recordings [Exhibit B] and his supplemental report **[Exhibit A]**.*

Witness [redacted]

On April 22, 2021, Witness [redacted] as parked in the parking lot at [redacted] directly across the street from the [redacted] He was seated in his vehicle, facing southbound, talking on his cell phone. Witness [redacted] looked in a westward direction and saw a deputy standing beside a patrol vehicle, moving side to side, appearing to be pointing his handgun in a western direction. The deputy appeared to be alerted to something unknown.

A few minutes later, Witness [redacted] saw a dark colored vehicle collide into the front of the patrol vehicle, causing the front of the vehicle to swing eastward. At that moment, the deputy shot his handgun at the suspect vehicle as it drove out of the parking lot and onto [redacted] He estimated the deputy shot six times.

Witness [redacted]

On April 22, 2021, Witness [redacted], an employee at the housing development, was walking with a perspective tenant (Witness [redacted] in the area where the shooting occurred. He saw a male black, with unknown clothing, walk by him, then jumped over a fence and began to run toward the [redacted] Witness [redacted] saw the suspect remove a handgun, and began to shoot it toward another male, wearing a red colored hoodie sweater. The other male also pulled out a handgun, and began to shot back. Both males were shooting at each other. Witness [redacted] and Witness [redacted] ran away from the scene, toward Western Avenue for safety.

When Witness [redacted] made it to Western Avenue, he saw a patrol vehicle near the exit of the parking lot. A deputy was standing beside his vehicle, pointing his handgun in a western direction. Witness [redacted] heard several gunshots, then saw a vehicle collided into the patrol vehicle.

Witness [redacted]

Witness [redacted] was interviewed nearly the same time as Witness [redacted] She stated she was [redacted] along with Witness [redacted] inside the housing development. Two males walked passed them, then several seconds later, she heard loud noises, and thought it to be fireworks. When she looked backward, she saw a tall thin male shooting a handgun in a southern direction. She did not see anyone else shooting. She quickly grabbed her son, and ran away with Witness [redacted]

Witness [redacted]

On April 22, 2021, Witness [redacted] was driving southbound on Western Avenue, and came to stop for traffic just north of Palos Verde Drive North. While waiting for traffic to move, she looked westward and saw a patrol vehicle with his emergency lights on. She believed a traffic stop had occurred. In that same moment, she saw a light colored sedan, with paper plates, collide into the patrol vehicle. Witness [redacted] said the deputy shot toward the vehicle because she believed the vehicle was trying to hit him.

The suspect vehicle quickly exited the parking lot and drove onto Western Avenue toward Witness [redacted] direction. She quickly drove out of the way, and turned westward on Palos Verde Drive North. Witness [redacted] drove back

to the housing development to check on the deputy. She only saw one deputy (Deputy Vargas) at the time of the shooting, and was afraid there could have been another deputy injured. Witness [redacted] was a nurse and was willing to render aid if necessary.

Witness [redacted]

On April 22, 2021, Witness [redacted] a [redacted] was inside her [redacted] When she heard several gunshots coming from outside of the apartment, she looked outside her bedroom window, and saw a tall thin person wearing a black hoodie sweater shooting a handgun. Witness [redacted] said the person shot the handgun in random directions, and demonstrated by waiving her hand in the air. The suspect quickly entered a grey colored vehicle. She did not see anything more because she ducked below the window for safety.

SUSPECT STATEMENT

Suspect Michael Desantis

On April 25, 2021, Suspect Desantis was interviewed by Detective Curko at the Lomita Station jail. Detective Curko recorded the interview on his body worn camera **[Exhibit B/Body Worn Camera Videos/245_PC(1)]**. Suspect Desantis stated he and his [redacted] Subject [redacted] drove to the [redacted] to meet females and to smoke marijuana. He was not familiar with the location, and had never been to the location before.

When they arrived and parked their vehicle in the parking lot, Suspect Desantis and Subject [redacted] met two other males in a blue vehicle. Suspect Desantis did not know the two males, who were friends of Subject [redacted] All four males walked around the property in different directions, looking for the girls. At one point, Suspect Desantis heard gunfire nearby. He quickly ducked down toward the ground, and saw two unknown males walking toward him and Subject [redacted] Suspect Desantis knew Subject [redacted] at the time they exited their vehicle. Once Suspect Desantis heard the gunfire, and saw the two males walking toward him, he was in fear for his life. Suspect Desantis admitted he took the handgun from Subject [redacted] waist. Suspect Desantis admitted to shooting the handgun, but he never targeted anyone. He fired the handgun to keep the males away from himself. As Suspect Desantis explained, he demonstrated to Detective Curko how he shot the handgun. He used his hands, pointed them toward the ceiling of the interview room, and explained how indiscriminate his aiming was. He was not shooting at anyone in particular, and he was merely trying to scare the males away from him.

After he shot, Suspect Desantis and Subject [redacted] quickly ran back to the vehicle they arrived in. Subject [redacted] drove out of the parking lot until they saw a patrol

vehicle with its emergency lights activated, and a deputy (Deputy Vargas) standing beside it. Subject [redacted] came to a stop, and they both placed their hands up. Suspect Desantis said they remained in that position for approximately one to two minutes, until Subject [redacted] began to drive forward. As Subject [redacted] drove forward, Deputy Vargas began firing his handgun several times toward them. Suspect Desantis was again in fear for his life, and ducked down into his seat to keep from being shot. Suspect Desantis stated Subject [redacted] collided into a vehicle, at which point he stopped the vehicle, and they "both gave up."

Throughout the interview, Detective Curko informed Suspect Desantis that the video surveillance recordings **[Exhibit B/CCTV Videos]** contradicted his statement; however, Suspect Desantis did not change his statement.

IAB Note: **IAB investigators attempted to interview Suspect Desantis, who was in custody. IAB investigators called his public defender, Attorney Paris Lewis, on August 30, 2021, and left her a voice message. She did not return the message. A second phone call was made to her on September 10, 2021, and another voice message was left. She never returned any of the messages.**

At the request of IAB investigators, North County Correctional Facility (NCCF) Lieutenant Eric Metten, [redacted] contacted Suspect Desantis on November 19, 2021. When Lieutenant Metten asked Suspect Desantis if he was willing to be interviewed by IAB investigators about this case, he said he would not.

<u>SUBJECT STATEMENT</u>

Subject [redacted]

Detective Curko informed IAB investigators he attempted to interview Subject [redacted] soon after the incident; however, Subject [redacted] invoked his Miranda Rights and declined to provide a statement.

IAB Note: **IAB investigators attempted to interview Subject [redacted] who was still in custody. IAB investigators were informed by the Los Angeles County Probation Department that Subject [redacted] could not be interviewed by IAB investigators since he had already been arraigned in court. Permission could be granted from his public defender, Attorney B. Lavario. IAB investigators left two messages on Attorney B. Lavario's voice mail on August 30, 2021, and September 10, 2021. He never returned the messages.**

On November 30, 2021, IAB investigators contacted the Los Angeles County Alternate Public Defenders Office and spoke to Supervisor Susanna Juarez. She spoke to Subject [redacted] new attorney, Alexis Salzman, who asked Subject [redacted] if he was willing to be interviewed by IAB investigators. Subject [redacted] stated he did not wish to participate in any interview with IAB investigators.

SH-AD-32A (8/17)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

DATE: February 8, 2022

FILE NO: 021-01311-1751-055

OFFICE CORRESPONDENCE

FROM: WILLIAM E. JAEGER, COMMANDER
PROFESSIONAL STANDARDS DIVISION

TO: JAMES C. POWERS, CAPTAIN
LOMITA STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS**

Case Number:	SH2530343
Incident:	Non-Hit Shooting
Incident Date:	April 22, 2021
Unit:	Lomita Station
Suspect(s):	[redacted], MB/[redacted] Michael Desantis, MO/082202
Involved Employees:	Deputy Orlando Vargas, #[redacted] Deputy Kfleyesus Agostino, #[redacted]
EFRC Date:	February 2, 2022

The Executive Force Review Committee (EFRC) consisting of Commanders Alfred Reyes, Jason P. Wolak, and William E. Jaeger (Chair) met and reviewed the above case.

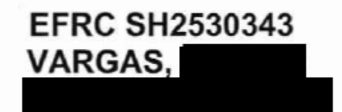
FINDINGS:

The EFRC determined the tactics and force used by Deputy Vargas were within Department policy.

[redacted]

RECOMMENDATIONS:

The EFRC Panel recommended training classes and a tactical debrief of the incident with involved personnel and Training Bureau.



During the Panel review, it was noted that this case was reviewed on May 5, 2021, during the Critical Incident Review (CIR) process. The CIR Panel recommended Deputy Vargas attend the following Department training classes:

1. **Tactics and Survival I, and;**
2. **Tactics and Survival – Critical Incident Response (High Risk Contacts)** (key points: tactical communication and decision making).

Based on the CIR recommendations, the following courses were attended by Deputy Orlando Vargas, #[redacted]:

Tactics and Survival 1: **5/12/2021**
Critical Incident Response (High Risk Contacts): **05/11/2021**
Body Worn Camera Refresher: **5/19/2021**

The EFRC Panel remarked that the training courses recommended by the CIR Panel were inclusive of their recommendations; they had no further comments.

Chief Myron Johnson concurred with the findings and recommendations.

WEJ:DJW:djw